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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,801	12/17/2001	Ann M. Wollrath	06502.0054-01	1256
22852	7590	12/30/2005		
		FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413		
			EXAMINER	
			FLEURANTIN, JEAN B	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/015,801	WOLLRATH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JEAN B. FLEURANTIN	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 5-9 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 5-9 and 14-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

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#### **DETAILED ACTION**

1. In view of the Appeal Brief filed 7/16/04, PROSECUTION IS HEREBY REOPENED. Therefore, the last Office action is withdrawn.
  - i) The Office regrets any inconvenience due to the Applicant(s).
  - ii) Claims 5-9 and 14-22 remain pending for examination.

#### ***Response to Applicant' Remarks***

2. Applicant's arguments with respect to claims 5-9 and 14-22 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

3. Claim 22 is objected to because: line 5, recites "a machine", should be replaced to "said machine" to correspond to the "a machine" stated in line 1. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-9 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over of U.S. Patent No. 6,378,001 issued to Aditham et al., ("Aditham") in view of U.S. Patent No. 6,314,467 issued to Hirasawa et al., ("Hirasawa").

As per claims 5 and 18, Aditham is directed to a collaborative session which receives all messages generated by the programs and transmits the massages to all programs participating in the session (see col. 2, lines 20-24), which consists of "a first virtual machine" (i.e., first program; col. 6, line 36); "a second virtual machine" (i.e., second program; col. 6, lines 36-37); and "a third virtual machine" (i.e.,

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third program; col. 6, lines 40-41), wherein the registered interest for each program in the session is checked to determine programs which want to receive of the message type (see col. 9, lines 3-5).

Aditham fails to explicitly disclose associate the message events with a computer code, transmitting and executing the computer code.

However, Applicant should duly note that virtual machines are computer programs stored in a computer-distributed environment to execute a particular request. On the other hand, Hirasawa discloses associate the message events with a computer code, transmitting and executing the computer code (see Hirasawa Fig. 8, col. 12, lines 39-59; col. 21, lines 21-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Aditham with associate the message events with a computer code, transmitting and executing the computer code as disclosed by Hirasawa (see Hirasawa col. 15, line 25 to col. 16, line 3). Such a modification would allow Aditham's system to improve the accuracy of the method and apparatus for transporting behavior in an event based distributed system, and to provide an information sending and receiving system using the content code communication method (see Hirasawa col. 4, lines 21-28).

As per claim 6, in addition to claim 5, Aditham further discloses "a second virtual machine is a generic notify method" (i.e., session object which receives all messages; see col. 2, lines 20-26).

As per claim 7, Aditham discloses "the registration of interest by the second virtual machine includes an identification of the event and an identification of the third virtual machine" (i.e., having the message type identified with the registered interest will be sent to the registering program; col. 5, lines 9-12).

As per claim 8, Aditham discloses "each virtual machine is stored on a separate computer system" (i.e., first and second programs stored on a separate computers; see col. 6, lines 36-38).

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As per claim 9, in addition to claim 5, Aditham further discloses "computer code implemented in an object" (i.e., includes code for creating and managing one or more shared object; see col. 2, lines 31-35).

As per claim 14, Aditham discloses "a change in system state" (see col. 11, lines 29-35).

As per claim 15, in addition to claim 5, Aditham further discloses "the group consisting of a timer event, a mouse click event, and a disk access event" (i.e., performing direct memory access; see col. 3, lines 46-48).

As per claim 16, Aditham discloses "each virtual machine is contained on a separate memory" (i.e., first and second and third programs stored on a separate computers; see col. 6, lines 36-38).

As per claim 17, Aditham discloses "each virtual machine is contained on a separate processor" (i.e., first and second and third programs stored on a separate computers; see col. 6, lines 36-38).

As per claim 19, Aditham discloses "receiving a registration of interest in an event" (i.e., receive messages from the session registers more interests; see col. 5, lines 3-9), and see col. 9, lines 3-5, "the registration including computer code" (i.e., it is important to note the programs disclosed by Aditham are communicated with session object by a means of messages, wherein each program sends information to the session object by posting a message to the session object (see col. 4, lines 63-67), wherein the message contains a object class code for managing the shared object (see col. 2, lines 30-33). This implication discloses the use of generating a code along a massage in response to events);

"transmitting a message" (i.e., messages transmitted from the session object to the programs; see col. 5, lines 35-42) "including the computer code in response to the event" (i.e., message type created; see col. 9, line 5). Aditham fails to explicitly disclose executing the computer code transmitted in the message. However, Hirasawa discloses executing the computer code transmitted in the message (see Hirasawa Fig. 8, col. 12, lines 39-59; col. 21, lines 21-49).

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Aditham with executing the computer code transmitted in the message as disclosed by Hirasawa (see Hirasawa col. 15, line 25 to col. 16, line 3). Such a modification would allow Aditham's system to improve the accuracy of the method and apparatus for transporting behavior in an event based distributed system, and to provide an information sending and receiving system using the content code communication method (see Hirasawa col. 4, lines 21-28).

As per claim 20, Aditham is directed to a collaborative session which receives all messages generated by the programs and transmits the messages to all programs participating in the session (see col. 2, lines 20-24), which consists of "a first virtual machine" (i.e., first program; col. 6, line 36); "a second virtual machine" (i.e., second program; col. 6, lines 36-37); and "a third virtual machine" (i.e., third program; col. 6, lines 40-41), wherein the registered interest for each program in the session is checked to determine programs which want to receive of the message type (see col. 9, lines 3-5).

Aditham fails to explicitly disclose associate the message events with a computer code, transmitting and executing the computer code.

However, Applicant should duly note that virtual machines are computer programs stored in a computer-distributed environment to execute a particular request. On the other hand, Hirasawa discloses associate the message events with a computer code, transmitting and executing the computer code (see Hirasawa Fig. 8, col. 12, lines 39-59; col. 21, lines 21-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Aditham with associate the message events with a computer code, transmitting and executing the computer code as disclosed by Hirasawa (see Hirasawa col. 15, line 25 to col. 16, line 3). Such a modification would allow Aditham's system to improve the accuracy of the method and apparatus for transporting behavior in an event based distributed system, and to provide an information sending and receiving system using the content code communication method (see Hirasawa col. 4, lines 21-28).

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As per claim 21, Aditham is directed to a collaborative session which receives all messages generated by the programs and transmits the massages to all programs participating in the session (see col. 2, lines 20-24), which consists of "a first virtual machine" (i.e., first program; col. 6, line 36); "a second virtual machine" (i.e., second program; col. 6, lines 36-37); and "a third virtual machine" (wherein entity or entities are readable as programs) (i.e., third program; col. 6, lines 40-41), wherein the registered interest for each program in the session is checked to determine programs which want to receive of the message type (see col. 9, lines 3-5).

Aditham fails to explicitly disclose associate the message events with a computer code, transmitting and executing the computer code.

However, Applicant should duly note that virtual machines are computer programs stored in a computer-distributed environment to execute a particular request. On the other hand, Hirasawa discloses associate the message events with a computer code, transmitting and executing the computer code (see Hirasawa Fig. 8, col. 12, lines 39-59; col. 21, lines 21-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Aditham with associate the message events with a computer code, transmitting and executing the computer code as disclosed by Hirasawa (see Hirasawa col. 15, line 25 to col. 16, line 3). Such a modification would allow Aditham's system to improve the accuracy of the method and apparatus for transporting behavior in an event based distributed system, and to provide an information sending and receiving system using the content code communication method (see Hirasawa col. 4, lines 21-28).

As per claim 22, Aditham is directed to a collaborative session which receives all messages generated by the programs and transmits the massages to all programs participating in the session (see col. 2, lines 20-24), which consists of "a first virtual machine" (i.e., first program; col. 6, line 36); "a second virtual machine" (i.e., second program; col. 6, lines 36-37); and "a third virtual machine" (i.e., third program; col. 6, lines 40-41), wherein the registered interest for each program in the session is checked to determine programs which want to receive of the message type (see col. 9, lines 3-5).

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Aditham fails to explicitly disclose associate the message events with a computer code, transmitting and executing the computer code.

However, Applicant should duly note that virtual machines are computer programs stored in a computer-distributed environment to execute a particular request. On the other hand, Hirasawa discloses associate the message events with a computer code, transmitting and executing the computer code (see Hirasawa Fig. 8, col. 12, lines 39-59; col. 21, lines 21-49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Aditham with associate the message events with a computer code, transmitting and executing the computer code as disclosed by Hirasawa (see Hirasawa col. 15, line 25 to col. 16, line 3). Such a modification would allow Aditham's system to improve the accuracy of the method and apparatus for transporting behavior in an event based distributed system, and to provide an information sending and receiving system using the content code communication method (see Hirasawa col. 4, lines 21-28).

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#### **CONTACT INFORMATION**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jean Bolte Fleurantin

Patent Examiner

Technology Center 2100

December 20, 2005



**HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER**